

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMAL COX,

Plaintiff,

– against –

NASSAU COUNTY CORRECTIONAL
CENTER, et al.,

Defendants.

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ORDER
11-CV-1937 (JFB)(GRB)

JOSEPH F. BIANCO, District Judge:

On April 6, 2011, *pro se* plaintiff Jamal Cox filed the complaint in this action against defendants Nassau County Correctional Center and Michael Sposato, Sheriff of Nassau County (collectively “defendants”).

On September 7, 2011, defendants filed a motion to dismiss the complaint. Plaintiff opposed the motion on October 28, 2011, and defendants replied on November 30, 2011. By Order dated October 2, 2012, the Court referred the motion to Magistrate Judge Brown for a Report and Recommendation.

On February 15, 2013, Magistrate Judge Brown issued a Report and Recommendation (the “R&R”), recommending that defendants’ motion to dismiss be granted, and that plaintiff’s claim be dismissed with prejudice. The R&R further instructed that any objections to the R&R be submitted within fourteen (14) days of service of the R&R. (*See* Report and Recommendation dated February 15, 2013, at 6.) As indicated by the docket sheet, a copy of the R&R was mailed to plaintiff by Magistrate Judge Brown’s Chambers on February 15, 2013. (*See* ECF No. 26.) No objections have

been filed to date, although the date for filing any objections has expired.

A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge. *See DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *Walker v. Hood*, 679 F. Supp. 372, 374 (S.D.N.Y. 1988). As to those portions of a report to which no “specific written objections” are made, the Court may accept the findings contained therein, as long as the factual and legal bases supporting the findings are not clearly erroneous. *See Fed. R. Civ. P. 72(b)*; *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts the findings and recommendations contained in the well-reasoned and thorough R&R in their entirety. Even under a *de novo* standard, the Court adopts the R&R in its entirety. Accordingly, IT IS HEREBY ORDERED that defendants’ motion to dismiss the complaint is granted. The Clerk of the Court shall enter judgment accordingly and close the case.

SO ORDERED.

JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: March 6, 2013
Central Islip, New York